

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Eddie Leo Brown, Jr.

Docket No. 7:05-CR-35-1

Petition for Action on Supervised Release

COMES NOW C. Lee Meeks, Jr., probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Eddie Leo Brown, Jr., who, upon an earlier plea of guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. §§ 922(g) and 924, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on May 15, 2007, to the custody of the Bureau of Prisons for a term of 37 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 36 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.
3. The defendant shall participate in such vocational training program as may be directed by the probation office.
4. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days.

Eddie Leo Brown, Jr. was released from custody on February 1, 2010, at which time the term of supervised release commenced.

On May 10, 2010, the court approved a Petition for Action on Supervised release modifying the conditions of supervision to include a 90-day residential reentry center placement after the defendant tested positive for cocaine twice.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: Since his release from the halfway house in November 2010, the defendant has been employed buffing floors for Brian Dickey. Due to his work schedule, and the large area his employer serves (Jacksonville, Wilmington, and South Carolina), Brown has missed several surprise urinalysis tests. He missed a total of nine tests that were not excused. Additionally, he has failed to report for substance abuse counseling as directed.

To the defendant's credit, he has maintained gainful employment. Recently, he relocated to Wilmington, North Carolina, to be closer to his employment and to reside with his sister. It is anticipated Brown will now be in a better position to work, attend substance treatment, and report for drug testing as directed.

As a sanction for the violations noted above, the probation officer respectfully recommends the conditions of supervision be modified to include a 60-day term of home detention, with electronic monitoring. In consideration of Brown's financial situation, it is not recommended he pay for the monitoring services.

The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 60 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Kevin L. Connolley
Kevin L. Connolley
Supervising U.S. Probation Officer

/s/ C. Lee Meeks, Jr.
C. Lee Meeks, Jr.
U.S. Probation Officer
472-C Western Blvd.
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Executed On: November 22, 2011

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ORDER OF COURT

Considered and ordered this 22nd day of November, 2011, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge